IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6812 OF 2005

Abdul Rahman Shaikh ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri N.N. Gawankar i/by Shri Arfan Sait for the Applicant.
Shri K.V. Saste, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 24, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant and the learned A.P.P. for the State. The Applicant is involved in the offence registered under section 302 read with section 201 of the Indian Penal Code. The learned Advocate for the Applicant submitted that the Applicant is only a driver of the vehicle which was used for picking up the deceased and carrying deceased. He submitted that except for the fact that the Applicant was driving the vehicle, there was no other material against the Applicant.

2. I have considered the submissions. Section 120-B of the Indian Penal Code has been applied. The Applicant was with the co-accused when the deceased was picked up from Chiplun and brought to Ratnagiri in Tata Sumo. The case of the prosecution is that after

the deceased was brought to Ratnagiri, he was tied to chain and cloth piece was also tied to his mouth. He was taken to an isolated place on a beach by two accused. The deceased was assaulted by the two accused and his body was thrown in the sea. This is the case where Section 120-B of the Indian Penal Code has been applied. There is material to show that the Applicants were in Tata Sumo from the time when the deceased was picked up from Chiplun till he was brought to the beach at Ratnagiri.

3. Considering the material on record, no case is made out for enlarging the Applicant on bail. Accordingly, Application is rejected.

JUDGE